

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Day et al.**

Serial No. 09/820,511

Filed: **March 29, 2001**

**For: Method, Apparatus and Program
for Magnifying the Text of a Link
While Still Retaining Browser
Function in the Magnified Display**

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§ Group Art Unit: **2176**
§
§ Examiner: **Maikhanh Nguyen**
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35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that "the appeal brief filed on May 11, 2007 is considered non-compliant because "The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). Appellant is appealing all the pending claims in the application. Under the "Summary of the Claimed Subject Matter" in the Appeal Brief, Appellant does not provide a concise explanation of the subject matter defined in each of the claims involved in the appeal, See 37 CFR 41.37(c)(1)(iv). Also, dependent claims 16-18, 20, and 22 are not mapped to the specification by page and line number, paragraph number, or to the drawings, if any".

A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated August 20, 2007, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on May 11, 2007, was held defective because "The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). Appellant is appealing all the pending claims in the application. Under the "Summary of the Claimed Subject Matter" in the Appeal Brief, Appellant does not provide a concise explanation of the subject matter defined in each of the claims involved in the appeal, See 37 CFR 41.37(c)(1)(v). Also, dependent claims 16-18, 20, and 22 are not mapped to the specification by page and line number, paragraph number, or to the drawings, if any".

In order to address the Examiner's concerns, an Amended Appeal Brief is submitted herewith. It is respectfully submitted that the Amended Appeal Brief filed herewith is in compliance with 37 C.F.R. § 41.37. The Amended Appeal Brief contains a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and each dependent claim argued separately, with reference to the specification by page and line number, and to the drawings, if any, by reference characters. Thus, the Amended Appeal Brief is in compliance with 37 C.F.R. 41.37(c)(1)(v). Appellant respectfully requests that the Amended Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: September 20, 2007

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,511	03/29/2001	Don Rutledge Day	AUS920010001US1	5448

35525 7590 08/20/2007

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/20/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION

Client Name AUS920010001US1

File No.

DATE ACTION DOCKETED

09-30-07 RESPONSE TO OFFICE ACTION

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**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No. 09/820,511	Applicant(s) DAY ET AL.
Examiner Malkhanh Nguyen	Art Unit 2176

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

The Appeal Brief filed on 05/11/2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Appellant is appealing all the pending claims in the application. Under the "Summary of the Claimed Subject Matter" in the Appeal Brief, Appellant does not provide a concise explanation of the subject matter defined in each of the claims involved in the appeal. See 37 CFR 41.37(c)(1)(v). Also, dependent claims 16-18, 20, and 22 are not mapped to the specification by page and line number, paragraph number, or to the drawings, if any.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER